IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 17259 of 2007(D)

PETITIONER:

P.A.SOUDA, (RETIRED HEADMISTRESS),
PUNNILATH HOUSE, MATHILAKAM P.O.,- TRICHUR DT.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

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1. IRINJALAKUDA EDL.DT.AIDED PRIMARY TEACHERS COOPERATIVE SOCIETY LTD.R-379 (MM BLDG) CHALAKUDY REPRESENTED BY ITS PRESIDENT.

2. JOINT REGISTRAR (GENERAL) OF COOPERATIVE SOCIETIES, THRISSUR.

3. ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES, MUKUNDAPURAM, THRISSUR DISTRICT.

BY ADV. SRI.P.V.PAULSON FOR R1
GOVT. PLEADER SMT.ANU SIVARAMAN FOR R2 & R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE RELVANT PAGE OF THE PASS BOOK
EXT.P2	TRUE COPY OF THE JUDMENT IN W.P.C.NO.10751/04
EXT.P3	TRUE COPY OF THE APPLICATION DTD. 28-2-07 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT.
EXT.P4	TRUE COPY OF THE NEWS ITEM APPEARED IN THE MONTH OF MARCH IN THE MALAYALAM DAILY
EXT.P5	TRUE COPY OF THE LETTER DTD. 26-1-05 ISSUED BY R1

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No.17259 OF 2007

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Dated this the 13th day of July, 2007

JUDGMENT

Petitioner availed a loan from the first respondent and she challenges Ext.P5 recovery proceedings issued to the guarantor. She seeks a direction to extend the benefit of one time settlement offered by Ext.P2 and also seeks direction to consider Ext.P3 application for settlement of the loan amount availed by the petitioner.

2. I heard learned counsel for the respondents also. Counsel for the respondents submits that OTS as claimed is not applicable as the earlier circular was modified by circular dated 03/05/2007 (Circular No.30/2007). Counsel for the petitioner submits that petitioner may be given the benefit due to her under the said circular. He further submits that petitioner will file a representation claiming the benefit of Circular No.30/2007 referred to by the counsel for the respondents within one week from today. The writ petition is disposed of as follows:

The petitioner will file a representation claiming the benefit of Circular No.30/2007 within one week from today. Upon receipt of the same, the first respondent will consider the same and grant the benefit

which the petitioner is entitled under Circular No.30/2007. Respondents shall also serve a statement on the petitioner showing the amount payable by the petitioner. Till such time as a decision is taken by the first respondent, proceedings pursuant to Ext.P5 shall be kept in abeyance.

(K.M.JOSEPH, JUDGE)

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